

Chapter 9

Indirect Effects

9.1 Introduction

CEQA Guidelines (Section 15358(2)) defines indirect effects as effects “...which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes [sic] in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems.” For purposes of this EIR/EA, Indirect Effects include the development of the proposed hotel and casino on the Rancheria. If constructed, the proposed interchange (direct subject of this EIR/EA) will allow free and open access to the Rancheria thereby allowing the opportunity for development consistent with the Tribe’s Land Use Plan. The foreseeable consequence of interchange construction is the construction of the hotel and casino on the Rancheria.

The following indirect effects are tiered and incorporated by reference from the *Final Environmental Assessment: Shingle Springs Rancheria Hotel and Casino Project, El Dorado County, California* (AES, 2001). Copies of this document are available for review at the locations identified in Section 1.4.4 of this document. The National Indian Gaming Commission (NIGC) was the federal Lead Agency, and the BIA was the Cooperating Agency for the Final EA, which addressed the effects of the construction and operation of the proposed hotel and casino. It should be noted that the discretionary action taken by the NIGC, which necessitated NEPA compliance, was the approval of the proposed Gaming and Management Contract – not the land use plan. The land use plan that allows for the construction of this commercial development on the Rancheria was previously approved by the Shingle Springs Tribal Government. The Finding of No Significant Impact (FONSI) was approved by the NIGC in January 2002.

9.2 Indirect Effects Of Providing Access To Rancheria

9.2.1 Topography

While development of the hotel and casino site would involve grading and cut and fill activities, these construction activities were determined not to result in significant effects to slope stability or landform. The stable characteristics of the bedrock materials limit the risk of geologic hazards including slope failure; slumping, subsidence and rock fall. The development of the proposed

hotel and casino complex will comply with the Uniform Building Code (UBC) per the requirements of the Tribal-State Compact.

9.2.2 Geology

The Final EA found that the hotel and casino project would require the necessary grading activities to construct level building pads for foundations and parking lots associated with the complex. The Final EA includes a grading plan that will be implemented during construction activities. The Final EA concluded that the geology effect will be less-than-significant given the existing geology (i.e., meta-volcanics) of the hotel and casino site, the fact that hillside cuts will be designed at appropriate slopes as to preclude slope failure and fill areas will be engineered to support loads with minimal settlement, and that a grading plan will be implemented.

The Final EA also found that the Grading and excavation required to construct the proposed hotel and casino complex, and interchange, could encounter bedrock that could contain chrysotile and tremolite, the varieties of serpentine that constitutes a potentially harmful form of asbestos. As series of measures designed to minimize the potential effects of asbestos were approved by the NIGC for the hotel and casino project. These measures included implementation of Chapter 8.44 of Title 8 of the El Dorado Ordinance Code entitles “Naturally Occurring Asbestos and Dust Protection Ordinance.” The implementation of this, and other measures, was found to reduce the potential asbestos effects to less than significant.

9.2.3 Soils

Appendix G of the Final EA contains the geographic extent of grading proposed by the hotel and casino project. A measure approved by the NIGC is the compliance with the erosion and stormwater provisions included in Appendix G of the Final EA. In short, the grading will conform to El Dorado County Ordinance 15.14.020-760. The soils on the project site are classified as relatively non-expansive having low shrink-swell potential. The Final EA found that the natural condition of the soil, in connection with standard engineering design practices such as pre-construction geotechnical studies would minimize effects due to expansive soil conditions. Furthermore, the hotel and casino project will be required to comply with the provisions of the UBC per the requirements of the Tribal-State Compact. The NIGC concluded that the hotel and casino would result in a less-than-significant effect given the fact that development will occur on relatively non-expansive soils; will comply with El Dorado County Grading, Erosion and Sediment Control Ordinance; will comply with applicable provisions of the UBC; and will follow the construction specifications found in Appendix G of the Final EA.

9.2.4 Seismicity

The Final EA found that groundshaking could potentially result in damage and temporary closure of the facilities, freeway interchange, and portions of the access roadway. However, the Final EA found that construction would be required to comply with engineering recommendations in accordance with seismic requirements of Zone 3 of the current UBC and the California Building Code (Title 24) additions (per the requirements of the Tribal-State Compact). Given the required compliance with the UBC and Caltrans design criteria, structures will be designed to withstand seismic shaking from an earthquake on the regional active and potentially active faults. Therefore, the NIGC found that seismic shaking would not result in a significant effect.

9.2.5 Surface Water and Drainage

The Final EA found that the conversion of 28.90 acres of land from open space to impervious surfaces will result in both increased peak flow and increased total discharge coming off of the developed site during wet weather events. The Final EA also concluded that surface drainage of the project site would be altered due to construction activities resulting in minor changes to existing surface runoff patterns.

Measures proposed by the Tribal Government and imposed by the NIGC to assure a less than significant effect include the development of an on-site detention basin to assure that no net increases in storm flow downstream of the project site will result. The surface drainage pipes will also be sized to contain the 100-year storm event based on the El Dorado County Drainage Manual. Lastly, a series of oil/grease/sediment traps will assure that water quality is maintained. The NIGC concluded that the hotel and casino project would have a less than significant effect on surface water and drainage.

9.2.6 Flooding

The Final EA found that the entire hotel and casino project area is outside of the FEMA designated flood zone and the increased discharge from the project area represents a minor fraction of total area in the respective larger watersheds. The Final EA also concluded that the hotel and casino project is not expected to result in either an on-site or off-site flooding effect. This is due to the fact that the development includes an oversized surface runoff detention facility that will capture and detain the increased flows resulting from the projects impervious

surfaces. The NIGC concluded that the hotel and casino project would have a less than significant effect on flooding.

9.2.7 Groundwater

The Final EA concluded that water delivery options to the proposed hotel and casino do not include groundwater extraction; therefore, water delivery will not affect groundwater resources.

The onsite wastewater treatment plant will comply with Title 22 standards that specify redundancy and reliability features. The Final EA documented that the wastewater treatment plant effluent quality will meet the following effluent constituent requirements: Biochemical Oxygen Demand < 1 mg/l; Total Suspended Solids 0 mg/l; Ammonia-N <0.2 mg/l; Nitrate 8 mg/l; Total Coliform < 2.2 MPN/100 mL; Turbidity <0.1 NTU (Appendix E). The water produced by this treatment system is very highly treated and poses no health risks.

Given the treatment and disposal system proposed, the soil will not “treat” raw wastewater resulting from the hotel and casino. The wastewater will be treated to Title 22 standards within the proposed wastewater treatment plant prior to be discharged to the SDI area. To further assure that an impact to groundwater resources does not occur, the Tribe will site, locate, and regularly monitor groundwater-monitoring wells up gradient, down gradient, and in the center of the SDI area. Therefore, the NIGC found that a less than significant effect to groundwater would result from the hotel and casino project.

9.2.8 Water Quality

The Final EA states that all construction activities associated with the hotel and casino complex will be undertaken outside of known watercourses and features. The Tribal Government will voluntarily comply with El Dorado County’s Grading, Erosion and Sediment Control Ordinance. Lastly, the Tribe is required to adhere to the provisions of the Clean Water Act. The Tribe will submit an application for a National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities issued by the EPA (Region IX) and adhere to all guidelines therein. As required by the Permit, the Tribe will create and implement a Storm Water Pollution Prevention Program (SWPPP), which outlines Best Management Practices (BMP’s). The Notice of Intent (NOI) for the General Permit and the SWPPP will be formulated and enacted prior to construction activities. The SWPPP will also be kept on site for the duration of all construction. Given the above elements of the project and required permits, the NIGC found that the hotel and casino would result in a less than significant effect to water quality.

9.2.9 Air Quality

The air quality impacts associated with traffic from the proposed hotel and casino are analyzed within Section 5.5 of this EIR/EA. The analysis contained within Section 5.5 also addresses increases in existing Rancheria traffic under cumulative conditions based on a one percent annual growth rate in Rancheria traffic volumes.

Other indirect air quality effects have been addressed in the Final EA. The Final EA found that construction related activities on the project site (e.g., grading and excavation) may result in the disturbance of asbestos containing rock and soil. This potentially significant effect will be reduced to a less-than-significant level by complying with the measures listed in Section 6.3.1 of the Final EA. Measures include compliance with the intent of Chapter 8.44 of Title 8 of the El Dorado County Ordinance Code, “Naturally Occurring Asbestos and Dust Protection Ordinance.” Section 8.44.030 of this ordinance specifically addresses “General Requirements for Grading, Excavation and Construction Activities.” Additional measures include detailed construction practices to reduce fugitive dust, creation of a Health and Safety Plan, employee training, air monitoring, and the voluntary implementation of the Air Pollution Control District’s (APCD) Rules 215,224,229 and 300. Based on the ability of these measures to reduce air quality impacts, The NIGC concluded that effects to air quality are less than significant.

9.2.10 Biological Resources

Wetlands / Jurisdictional Waters

The Final EA found that no U.S. waters would be directly affected (i.e., filled) by the project. The NIGC required compliance with the final provisions of an approved NPDESA permit to assure that effects to wetlands were less than significant.

Special Status Species

California Red-Legged Frog

The Final EA found that the hotel and casino project was unlikely to result in impacts to dispersal habitat, as the project footprint is located upon a ridge and is not positioned between perennial water sources. In addition, the project footprint is surrounded by relatively steep ground and dense vegetation, thereby further reducing the likelihood that dispersing frogs would be impacted. Based on these factors, The NIGC concluded that direct effects to red-legged frog are less than significant. The NIGC also concluded that indirect downstream effects would be less than significant with the implementation of NPDES and other water quality control measures.

Valley Elderberry Longhorn Beetle

The NIGC concluded that the hotel and casino project would have no effect upon the valley elderberry longhorn beetle since no elderberry shrubs occur in or around the project footprint.

Layne's Butterweed

The Final EA found that no potential habitat for this species occurs on the Rancheria. Therefore, the NIGC concluded that the hotel and casino project will not have an effect upon this species.

Nesting Raptors

The Final EA did document the existence of mixed oak woodland habitat within the project site that provides suitable nesting habitat for raptor species such as Cooper's hawk, red-shouldered hawk, red-tailed hawk, and great horned owl. Although no raptor nests were observed during visits to the site, nests could become established prior to the initiation of future construction activities. To address these issues, the NIGC has required measures to ensure that this species will not be adversely affected by the project.

9.2.11 Cultural Resources

The Final EA found negative results during both the records search and the field survey. Therefore, the NIGC concluded that development of the hotel and casino site would not affect any prehistoric or historic sites.

9.2.12 Socioeconomic Conditions

The Final EA found that the construction costs of the proposed facility is expected to result in a revenue stream into the economy totaling approximately \$83.7 million dollars. Following construction, the forecasted annual revenue from the hotel and casino complex is expected to be \$194 million dollars in the first year of operation. Of the gross amount, \$88.4 million will be expended in providing gaming, food and beverage, and lodging services, \$22.2 million will be expended as compact payments, and \$83.4 million will account for net income.

The Final EA also states that the Tribal Government will contract with service providers for fire and emergency medical service, solid waste service, and police service. Therefore, the NIGC concluded that no net fiscal impact is anticipated due to the fact that the Tribal Government will contract for these identified services.

The Final EA found that the hotel and casino will benefit the Tribe in at least two ways. First, it will generate substantial new income to be managed by the Tribal Government. Second, tribal

members will have access to 1,500 new jobs created by the casino. Household income will rise substantially, and unemployment will decrease as a result.

The hotel and casino complex is projected to generate about \$60 million annually for the Tribe. According to IGRA, net revenues from tribal gaming are to be used for the following purposes: (i) to fund tribal government operations or programs; (ii) to provide for the general welfare of the Indian tribe and its members; (iii) to promote tribal economic development; (iv) to donate to charitable organizations; or (v) to help fund operations of local government agencies.

Substantial research has been conducted on the social costs associated with gambling across the nation, most recently in a report issued by the National Gambling Impact Study Commission (NGISC, 1999). The NGISC commissioned companion reports on the issues of pathological or compulsive gambling and increased local crime by the National Research Council (NRC) and National Opinion Research Center (NORC). The NGISC could find no convincing evidence that legalized gambling increased pathological or compulsive gambling, or that local crime rates increased significantly. In its report the NGISC provided an in-depth analysis of the impacts of gambling in the U.S. generally, and also specifically addressed the impacts of Native American Tribal gambling. In this report, as study (Jay S. Albanese, Ph.D., Professor and Chair, Department of Criminal Justice, Virginia Commonwealth University. *Casino Gambling and White Collar Crime: An Examination of the Evidence* presented at *Gambling and Gaming: Winners or Losers?* (April 30, 1999), p.32) by the chair of the Department of Criminal Justice at Virginia Commonwealth University is quoted as follows:

An examination of arrest trends for embezzlement, forgery and fraud in nine of the largest casino markets shows no consistent pattern, although more jurisdictions report more decreases than increases in arrests.

The NGISC Final Report also cites a study by a former director of the Illinois State Police, who also served as assistant U.S. attorney for the Northern District of Illinois. This study, *Casinos and Crime: An Analysis of the Evidence* (December 1997) found that there is little relationship between casinos and crime. On page 7-14, the *National Gambling Impact Study Commission Final Report* concludes that:

Taken as a whole, the literature shows that communities with casinos are just as safe as communities that do not have casinos.

Environmental Justice for Minority and Low Income Populations

The Final EA found that the nearest residential communities in close proximity of the project site are neither low income nor minority. No adverse effects to low-income populations and minority populations would occur as a result of the Proposed Action. The NIGC found that the hotel and casino project will have a positive effect on the financial well being of the low-income and minority population of the tribal members.

9.2.13 Transportation

The issues associated with transportation are addressed within Section 5.4 of this EIR/EA. The analysis contained within that section assumes traffic resulting from the hotel and casino. As such, there are no further indirect transportation effects.

9.2.14 Land Use

The Final EA stated that the Tribe amended its land use and zoning ordinances to accommodate the placement of the proposed hotel and casino complex on the existing Rancheria. The land identified for the hotel and casino project are designated as Commercial under the Tribe's Land Use Plan. There are no inconsistencies with the El Dorado County Land Use Plan since their plan does not apply to the Rancheria.

9.2.15 Public Services

Water Supply

The Final EA found that the hotel and casino complex would result in a estimated peak water demand of approximately 98,000 gallons per day (gpd), while the estimated average water demand is 75,700 gpd. To meet the water demand estimated for the hotel and casino facility, the Tribal Government would employ one of two options: (1) use of existing El Dorado Irrigation District (EID) 3-inch diameter water meter, or (2) trucking water to the project site. Under Option #1, the NIGC requires that the Tribal Government provide NIGC with a written EID agreement prior to connection and use of the existing 3-inch meter. Under Option #2 the NIGC is requiring that the Tribal Government provide a final agreement between the Tribe and Aeropure Water, or another comparable company, to provide water delivery to the site. Given the above measures, a less than significant water supply effect was concluded by NIGC.

Wastewater Service

The Final EA found that the required capacity of the wastewater treatment facilities and effluent reuse/disposal facilities is estimated to be 200,000 gpd to allow for the treatment of predicted peak flows. The Tribe is proposing the use of a “Membrane Bio Reactor” (MBR) wastewater treatment plant. The MBR handles variations in flow better than typical activated sludge systems.

The intent is to utilize as much treated effluent as possible as reclaimed or recycled water in a manner that is environmentally sound and within the California Title 22 requirements. The Tribal Government will dispose of excess treated wastewater through a recycled water supply system and a subsurface irrigation/disposal (SID) method. Although the water will be treated to California Title 22 requirements, Title 22 requirements do not apply for subsurface application.

A storage reservoir at an elevation of 1,595 feet asl will be constructed to provide 1.8 million gallons of recycled water storage. This reservoir will be lined and covered to minimize the possibility of infiltration and evaporation. Of the storage volume, 500,000 gallons will be used to meet the facilities emergency fire needs. The remaining 1.3 million gallons will be available for reuse in landscaping, or non-consumptive uses in the hotel and casino. Given the above information, and the information contained in Appendix E of the Final EA, the NIGC found that no wastewater impacts will occur with the operation of the hotel and casino complex.

Solid Waste

Waste generated from the main facility (facility minus hotel) is expected to consist of typical commercial waste. Using a solid waste calculation rate 2.5 pounds/100square feet/day, the waste generation resulting from the main facility is estimated to be 7,000 pounds per day or 3.50 tons per day. Using a solid waste calculation rate 3.7 pounds/day/person and assuming that each of the 250 rooms is occupied with two people simultaneously (worst case assumption), the waste generation resulting from the Hotel facility is estimated to be 1,850 pounds per day or 0.925 tons per day. Both facilities combined expect to generate 4.425 tons per day or approximately 1,615 tons per year. The casino/hotel facility will employ trash compactors on-site, which will increase dumpster capacities and decrease the frequency of pick-ups by El Dorado Disposal Company.

The El Dorado Disposal Company currently provides solid waste service to the Rancheria and indicates that the Rancheria would enter into an agreement with the company to extend service to the gaming facility. The NIGC has concluded that the hotel and casino project will not result in a significant solid waste impact.

Electricity, Natural Gas, and Telecommunications

The Final EA states that the project site is currently serviced with electrical and phones and will not be connected to natural gas. The Final EA concluded that the hotel and casino project will in no way jeopardize PG&E's ability to serve the remainder of the County. The Final EA did find that additional transmission lines will most likely be required to serve the hotel and casino project. The Tribe will coordinate with the Pacific Bell Engineering Division to ensure that the necessary transmission lines and/or facilities are built to adequately serve the Proposed Action. Contingent upon coordination with Pacific Bell, the hotel and casino is not expected to impact Pacific Bell's ability to serve the remainder of the County. Therefore, the NIGC found that the hotel and casino project will result in a less-than-significant effect.

Law Enforcement

The operation of the hotel and gaming facilities under the Proposed Action may result in law enforcement demands that include, but are not limited to, in-house security needs, auto theft/burglary, illegal loitering, and traffic control issues. Consistent with Section 8.0 of the Tribal-State Compact, the Tribe will provide on-site security for operations concerning the hotel and casino complex. Under Public Law 280, the State of California and other local law enforcement agencies have enforcement authority over criminal activities on Tribal land.

The Tribal Government may enter into a formal service agreement or Memorandum of Understanding (MOU) with the El Dorado County Sheriff's Department that will address criminal issues. The details of this agreement are not known at this time; however, a letter from Sheriff Hal Barker to the Tribal Government states that the El Dorado County Sheriff's Office and the Shingle Springs Rancheria Gaming Commission have established a dialog to address the need for enhanced law enforcement services. The conclusion of the letter from Sheriff Barker states "We intend to continue with regular meetings in an effort to construct an action plan in anticipation of the Rancheria's opening of class III gaming operations with related activities."

In addition, the following features will be included into the operation of the facility by the Tribe:

- Provide trained security staff to handle security issues within the hotel and gaming facility during operating hours. All security guards will carry two-way radios so as to respond to back up and emergency related calls. This will aid in the prevention of criminal activity within the hotel and gaming facilities.

- All parking areas will be well lit and monitored by parking, and/or roving security guards at all times during operation. This will aid in the prevention of auto theft and other related criminal activity.
- Areas surrounding the hotel and gaming facilities will have “No Loitering” signs in place, will be well lit and will be patrolled regularly by roving security guards. This will aid in the prevention of illegal loitering and all crimes that relate to illegal loitering.
- The Tribe will provide traffic control with appropriate signage and the presence of peak-hour traffic control staff. This will aid in the prevention of off-site parking, which could create possible security issues.

The NIGC has concluded that the above features will assure a less than significant effect.

Fire Protection

The Final EA found that there are several benefits that the hotel and casino project would provide in terms of fire protection. The new interchange and access road would allow for quicker response time due to the improved access to the Rancheria. Fire equipment would no longer need to travel a circuitous route through the Grassy Run neighborhood to get to their destination. The route to the Rancheria would be directly from US 50, through the 5-acre parcel, and then to the Rancheria. Additionally, the 6-ton weight limit associated with the existing bridge would no longer be an issue, which would allow heavy equipment to access the Rancheria.

Measures have also been incorporated into the hotel and casino project to address the wildfire issues during construction and operation of the proposed facilities. The hotel and gaming facilities will be designed to comply with Uniform Building Codes and the Tribe will be given a certificate of occupancy by the Tribal Gaming Agency once construction is complete. The hotel and casino would be fitted with monitored automatic fire sprinkler systems. The facility will be constructed to meet adequate fire flow requirements. The Final EA also states that the Tribal Government will expand its current fire station to provide a fire department to provide fire protection to the proposed casino. Therefore, the NIGC concluded that a less than significant fire effect.

Emergency Medical Service

The NIGC concluded that the hotel and casino will result in an increased demand for emergency medical services that will be met by Marshall Hospital, as well as regional facilities located in the greater Sacramento area. Calls to 911 are dispatched to the nearest available ambulance.

Ambulances are stationed in Diamond Springs. Local emergency medical services will be provided by the Fire Department created by the Tribal Government. The Fire Department will hire and train Emergency Medical Technician (EMT) personnel in accordance with California Department of Health Standards. A Rescue/Medic unit will be provided that complies with the US Department of Transportation Standards for design and equipment. Therefore, the NIGC concluded that the hotel and casino project would result in a less than significant emergency medical effect.

9.2.16 Noise

The traffic related noise effects of the hotel and casino project have been addressed within Section 5.6 of the EIR/EA. The hotel and casino project will include other noise sources, primarily traffic and human activities in parking lots, use of fans for heating and ventilation (HVAC), and truck loading/unloading areas. The NIGC has imposed measures on the project to assure that HVAC noise is reduced to a less than significant level (e.g., siting requirements, design specifications, etc.). Additionally, the NIGC conditioned the project to shield loading docks, and locate loading docks away from sensitive receptors. Lastly, the NIGC is requiring that construction noise be mitigated through compliance with Caltrans standard specifications Section 7-1.011. Given the above measures, the NIGC has concluded that on-Rancheria noise effects would be less than significant.

9.2.17 Hazardous Materials

The Final EA found that there was no reportable hazardous materials contamination at or near the project site. The use of hazardous wastes and/or materials associated with the hotel and casino will be required to comply with the provisions of the Tribal/State Compact. Therefore, the NIGC concluded that the hotel and casino will result in a less than significant hazardous materials effect.

9.2.18 Visual Resources

The Final EA states that the hotel structure will be 5 stories tall and 60 feet in height above ground elevation. The casino (including parking structure) will have a base elevation of 1,410 feet above sea level (asl) with a peak roof elevation of 1,525 feet asl. Therefore, the casino structure will extend approximately 115 feet above existing grade (northeast view). However, the elevation at the main entrance to the casino (southwest side of the facility) is at 1,485 feet asl giving the casino a maximum elevation from the southwest view of 40 feet. This elevation is 78 feet below the hill immediately south and southwest of the casino which is at elevation 1,603 feet asl. The southwest off-Rancheria view of the Casino will be blocked by both the hill and

undisturbed oak woodland on the western edge of the development bordering Koto Road. Views of the casino from northeast of the Rancheria will be blocked by a wooded ridge within the Rancheria that has a peak elevation of approximately 1,560 feet asl, 35 feet above the maximum elevation of the casino. Views of the development to the south of the Rancheria will be blocked by an on-Rancheria hill with a peak of 1,603 feet asl, 48 feet above the peak of the hotel, and the wooded ridge continuing southeastward from the hill to the cutbank on the north side of US 50, which has a face of approximately 50 feet in height. Views of the hotel and casino from the north of the Rancheria will be partially blocked by the Proposed Action leaving in place native woodland on the northwest corner of the development envelope. Only parcels due north of the west end of the hotel and casino may be able to see the casino if their view is not interrupted by trees which it will be after taking into account the native oak woodland that will be left on the northwest corner of the project site. Given the above information, and the fact that a screen of trees will be retained along the perimeter of the development, the NIGC concluded that a less than significant effect would result from the hotel and casino project.